

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES ALIRIO
HERNANDEZ-SAMAYOA,
a/k/a JUAN CORADO ARRIAZA, a/k/a "DJ
Portillo,"

Defendant.

4:18CR3125

PRELIMINARY ORDER OF FORFEITURE

This matter is before the Court upon the United States of America's Motion for Preliminary Order of Forfeiture (Filing No. 73). The Court reviews the record in this case and, being duly advised in the premises, finds as follows:

1. On April 23 2019, the Court held a hearing where defendant entered pleas of guilty to Counts One and Six of the Superseding Indictment and agreed to admit to the Forfeiture Allegation. The Forfeiture Allegation requests forfeiture of any property constituting or derived from any proceeds that defendant obtained directly or indirectly as a result of his offenses, and used or intended to be used to commit and facilitate the offenses.

2. By virtue of said plea of guilty, defendant forfeited his interest in the subject currency, and the United States should be entitled to possession of said currency, pursuant to 21 U.S.C. § 853.

3. The Motion for Preliminary Order of Forfeiture should be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

A. The Motion for Preliminary Order of Forfeiture is hereby granted.

B. Based upon defendant's plea of guilty to the Forfeiture Allegation of the Superseding Indictment, the United States is hereby authorized to seize the \$12,612.04 in U.S. currency.

C. Defendant's interest in the \$12,612.04 in U.S. currency is hereby forfeited to the United States for disposition in accordance with the law pursuant to 21 U.S.C. § 853(n)(1).

D. The United States shall hold the currency in its secure custody and control.

E. Pursuant to 21 U.S.C. § 853(n)(1), the United States shall publish notice of this Preliminary Order of Forfeiture for at least thirty consecutive days on an official internet government forfeiture site, www.forfeiture.gov. The United States may also, to the extent practicable, provide direct written notice to any person known to have an interest in the currency.

F. Pursuant to 21 U.S.C. § 853(n)(2), notice shall provide that any person, other than the defendant, having or claiming a legal interest in any of the currency must file a petition with this Court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.

G. Pursuant to 21 U.S.C. § 853(n)(3), a petitioner must sign the petition under penalty of perjury and set forth the nature and extent of the petitioner's right, title or interest in the currency and any additional facts supporting the petitioner's claim and the relief sought.

H. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

ORDERED this 13th day of May, 2019.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge